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Addendum to the Report of the United Nations High Commissioner for Refugees

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Supplement No.12A (A/52/12/Add.1)

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NOTE

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I. INTRODUCTION

A. Opening of the session

1. The Executive Committee of the Programme of the United Nations High Commissioner for refugees held its forty-eighth session at the United Nations Office at Geneva from 13 to 17 October 1997. The session was opened by the outgoing Chairman, Mr. Ali Mchumo (United Republic of Tanzania), who began by welcoming Poland and South Africa, the two new members of the Executive Committee.

2. Mr. Mchumo highlighted the changing nature of the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), noting that this had led to the involvement of the organization and its staff in regions affected by turbulence and conflict. The Office faced problems that had complex causes in the countries from which refugees fled and far-reaching consequences in the countries where they sought refuge.

3. The resulting dilemmas, he said, had been the subject of much of the work of the Standing Committee during the year and would undoubtedly continue to preoccupy it in the months ahead: dilemmas were faced by developing countries hosting refugees, by refugees seeking asylum or repatriating to countries devastated by war and by humanitarian aid workers active in the midst of conflict. He paid tribute to the High Commissioner and her staff for their efforts to meet the many and complex challenges facing them.

B. Election of officers

4. Under rule 10 of rules of procedure, the Committee elected the following officers by acclamation:

Chairman: Mr. Björn Skogmo (Norway)

Vice-Chairman: Mr. Victor Rodrigues Cedeño (Venezuela)

Rapporteur: Mr. Nathan Irumba (Uganda)

C. Representation on the Committee

5. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Democratic Republic of the Congo, Denmark, Ethiopia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Lebanon, Madagascar, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Russian Federation, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela.

6. The Governments of the following States were represented by observers:

Afghanistan, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Benin, Bolivia, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi,

Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Gabon, Gambia, Georgia, Ghana, Guatemala, Guinea, Honduras, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mozambique, Myanmar, Nepal, New Zealand, Niger, Oman, Panama, Peru, Portugal, Republic of Korea, Romania, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Swaziland, Syrian Arab Republic, Tajikistan, Turkmenistan, Ukraine, United Arab Emirates, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

7. The United Nations system was represented as follows:

United Nations Office at Geneva, Office of the United Nations High Commissioner for Human Rights, Department of Humanitarian Affairs, United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Volunteers (UNV), United Nations Environment Programme (UNEP), United Nations Population Fund (UNFPA), World Food Programme (WFP), United Nations Centre for Human Settlements (Habitat), United Nations Institute for Training and Research (UNITAR), United Nations Research Institute for Social Development (UNRISD), International Labour Organization (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), World Bank, World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO).

8. The following intergovernmental organizations were represented by observers:

Council of Europe, Council of the European Union, European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Organization for Migration, Islamic Educational, Scientific and Cultural Organization, League of Arab States, Organization of African Unity, Organization of the Islamic Conference, Sovereign Military Order of Malta.

9. A total of 135 non-governmental organizations were represented by observers.

D. Adoption of the agenda and other organizational matters

10. The Executive Committee adopted the following agenda by consensus:

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda and other organizational matters.

4. Annual theme: Repatriation challenges.

5. Reports on the work of the Standing Committee:

(a) International protection;

(b) Programme, administrative and financial matters.

6. Consideration and adoption of programme budgets.

7. Reports relating to programme oversight.

8. Meetings of the Standing Committee in 1998.

9. Consideration of the provisional agenda of the forty-ninth session of the Executive Committee.

10. Any other business.

11. Adoption of the report of the Executive Committee on its forty-eighth session.

12. Closing of the session.

E. Opening statement by the Chairman of the Executive Committee

11. The incoming Chairman, Mr. Björn Skogmo (Norway), congratulated Poland and South Africa as members attending their first full session of the Executive Committee. He commended the leadership of the High Commissioner and the dedication of her staff.

12. The Chairman drew attention to the new, grave challenges which had reshaped the work of UNHCR. In recent years more refugees had fled from civil conflicts than from traditional wars. Moreover, forcible displacement within countries was an all too common result of modern conflict.

13. Threats to the institution of asylum had multiplied, with refugees and asylum-seekers increasingly seen as a burden and a potential danger to national and regional security. In this regard, the Chairman called upon the Executive Committee to address those current challenges to the global protection regime and to reaffirm its support for the core principles upon which refugee protection was founded. He emphasized the need to pay particular attention to addressing the problems faced by humanitarian personnel who were being exposed to increasing levels of mental stress and physical danger.

14. Too often, the Chairman noted, UNHCR had been left to shoulder the political burdens linked to the humanitarian effort. He suggested that, together with the political bodies of the United Nations, the Executive Committee must examine how to provide more political support to the humanitarian aspect of United Nations conflict management efforts.

15. Finally, the Chairman stressed that the difficult task of financing humanitarian operations would continue during the coming year, noting that that was a source of deep concern to UNHCR and to donor Governments. He regretted that it was particularly difficult to finance humanitarian efforts in the "forgotten" conflicts that no longer caught the headlines.

II. WORK OF THE FORTY-EIGHTH SESSION

16. The High Commissioner delivered an opening statement to the Executive Committee, which is reproduced in annex II to the present report. A full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the agenda items, as well as the closing statements made by the Chairman and the High Commissioner, are contained in the summary records of the session.

III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE

A. Conclusions on international protection

1. General conclusion on international protection

17. The Executive Committee:

(a) Welcomes the fact that despite the increasing complexity of refugee crises, States in many parts of the world continue to grant asylum to refugees, both on an individual basis and in situations of mass influx;

(b) Strongly deplores the serious and often brutal violations of the human rights of refugees, returnees and displaced persons during the past year, and remains particularly preoccupied with the situation of refugees, asylum-seekers and displaced persons in central Africa;

(c) Reiterates the fundamental importance of the international protection of refugees, as well as the mandated role of UNHCR in this regard, and acknowledges with appreciation the contribution made by the High Commissioner, in cooperation with States and concerned agencies, to promote the protection of refugees and to facilitate lasting solutions; acknowledges also the efforts of the High Commissioner, working together with other humanitarian and development organizations, as well as with States, to contribute to the resolution of refugee crises and to address their root causes;

(d) Emphasizes that refugee protection is primarily the responsibility of States, and that the mandated role of UNHCR in this regard cannot substitute for effective action, political will and full cooperation on the part of States, including host States and countries of origin, as well as other international organizations and the international community as a whole;

(e) Calls on States to take all necessary measures to ensure that refugees are protected effectively, including through national legislation and through compliance with their obligations under international human rights and humanitarian law instruments having a direct bearing on refugee protection, as well as through full cooperation with UNHCR in the exercise of its international protection function and its role in supervising the application of international conventions for the protection of refugees;

(f) Calls upon States to consider, including through competent organs of the United Nations and other relevant international organizations, steps that could be taken to assist the High Commissioner in strengthening implementation of the principles of international protection in situations, including, in particular, complex emergencies, where refugee protection is threatened;

(g) Stresses the importance of the role played by the Executive Committee in providing guidance and forging consensus on vital protection policies and practices and, in this connection, emphasizes the need for due regard to be paid to the conclusions of the Executive Committee;

(h) Reaffirms conclusion 80 (XLVII), and notes that a comprehensive approach to refugee protection comprises, inter alia, respect for all human rights; the principle of non-refoulement; access, consistent with the 1951 Convention relating to the Status of Refugees[1] and its 1967 Protocol,[2] of all asylum-seekers to fair and effective procedures for determining status and

protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

(i) Recognizes the fundamental importance of the principle of non-refoulement, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(j) Recognizes that countries of asylum carry a heavy burden, including, in particular, developing countries, countries in transition and countries with limited resources, which, due to their location, host large numbers of refugees and asylum-seekers; reiterates in this regard its commitment to uphold the principles of international solidarity and burden-sharing, and calls on Governments, UNHCR and the international community to continue to respond to the assistance needs of refugees until durable solutions are found;

(k) Encourages States and UNHCR to continue to promote, where relevant, regional initiatives for refugee protection and durable solutions and to ensure that the regional standards that are developed conform fully with universally recognized standards and respond to particular regional circumstances and protection needs;

(l) Welcomes the accession of Estonia, Latvia and Lithuania to the 1951 Convention and the 1967 Protocol, bringing to 135 the number of States parties to one or both of these instruments;

(m) Notes with appreciation that a number of States not party to the 1951 Convention and the 1967 Protocol continue to maintain a generous approach to asylum; nevertheless, considering that over 50 States have yet to accede to these instruments, encourages the High Commissioner to continue to promote further accessions; and urges all States that have not yet done so to accede to and implement fully these instruments, as well as relevant regional instruments for the protection of refugees, where applicable, thereby strengthening the framework of international protection;

(n) Calls upon States parties to the 1951 Convention and/or the 1967 Protocol that, at the time of accession, made reservations with respect to any provisions of these instruments to review such reservations with a view to their withdrawal;

(o) Welcomes the growing number of accessions to the 1954 Convention relating to the Status of Stateless Persons[4] and the 1961 Convention on the Reduction of Statelessness,[5] and encourages UNHCR to continue its efforts, in cooperation with interested organizations, to promote further accessions to both instruments, as well as to provide technical and advisory services and training globally, to disseminate information on statelessness and nationality issues, and to further its cooperation with States and other organizations interested in this area;

(p) Takes note of the discussions which have taken place on measures to ensure international protection to all who need it, and encourages UNHCR to

continue to organize informal consultations, with a view to making further progress in this area, including through exploring the development of guiding principles;

(q) Notes that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees; affirms that voluntary repatriation of refugees is the most preferred solution, when feasible; and calls upon countries of origin, countries of asylum, UNHCR and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

(r) Reaffirms the continuing importance of resettlement as an instrument of protection and burden-sharing and as a durable solution in specific circumstances; encourages all Governments capable of doing so to make efforts to resettle refugees; encourages Governments who have not already done so to join in offering resettlement opportunities to refugees; and requests UNHCR to report on resettlement activities to the Executive Committee at its forty-ninth session;

(s) Reaffirms the right of all persons to return to their countries and the responsibility of States to facilitate the return and reintegration of their nationals; recommends to States that strategies for facilitating the return, in safety and dignity, of persons not in need of international protection be examined within the framework of international cooperation; and encourages UNHCR to continue, in cooperation with other appropriate international organizations, to look into ways in which the return process of individuals, determined through fair and effective procedures not to be in need of international protection, can be facilitated, and to inform the Standing Committee;

(t) Reaffirms its conclusions 39 (XXXVI), 54 (XXXIX), 60 (XL), 64 (XLI) and 73 (XLIV), and urges States, UNHCR and other humanitarian organizations, as appropriate, to take all necessary steps to implement these conclusions, inter alia, through recognizing as refugees women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution; by the integration of activities on behalf of refugee women in every aspect of programme planning and implementation; and by taking action to eliminate incidents of violence against women and girls;

(u) Notes with satisfaction the UNHCR dissemination and training activities with regard to promoting refugee law and protection principles, and calls upon the High Commissioner to continue to strengthen the Office's refugee law promotion work, with the active support of States and through increased cooperation with non-governmental organizations, academic institutions and other relevant organizations.

2. Conclusion on safeguarding asylum

18. The Executive Committee:

(a) Recalls the fundamental importance of the High Commissioner's international protection function;

(b) Reaffirms that the institution of asylum, which derives directly from the right to seek and enjoy asylum set out in article 14 (1) of the

1948 Universal Declaration of Human Rights,[6] is among the most basic mechanisms for the international protection of refugees;

(c) Notes with concern that the growing complexity of refugee crises poses serious and novel challenges to the institution of asylum;

(d) Reiterates, in the light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) The principle of non-refoulement, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;[3]

(ii) Access, consistent with the 1951 Convention[1] and the 1967 Protocol,[2] of asylum-seekers to fair and effective procedures for determining status and protection needs;

(iii) The need to admit refugees into the territories of States, which includes no rejection at frontiers without fair and effective procedures for determining status and protection needs;

(iv) The need for rapid, unimpeded and safe access of UNHCR to persons of concern to the High Commissioner;

(v) The need to apply scrupulously the exclusion clauses stipulated in article 1.F of the 1951 Convention and in other relevant international instruments, to ensure that the integrity of the asylum institution is not abused by the extension of protection to those who are not entitled to it;

(vi) The obligation to treat asylum-seekers and refugees in accordance with applicable human rights and refugee law standards as set out in relevant international instruments;

(vii) The responsibility of host States, working, where appropriate, with international organizations, to identify and separate any armed or military elements from refugee populations, and to settle refugees in secure locations at a reasonable distance, to the extent possible, from the frontier of the country of origin, with a view to safeguarding the peaceful nature of asylum;

(viii) The duty of refugees and of asylum-seekers to respect and abide by the laws of host States;

(e) Calls upon all parties concerned to respect and comply with the precepts on which the institution of asylum is based and to implement their obligations in a spirit of true humanitarianism, international solidarity and burden-sharing.

3. Conclusion on safety of UNHCR staff and other humanitarian personnel

19. The Executive Committee,

Stressing the humanitarian, non-political nature of the mandate of UNHCR,

Emphasizing that all States must respect and promote the principles and norms of international humanitarian law, including those relating to the safety and security of humanitarian personnel, and taking note of the 1994 Convention on the Safety of United Nations and Associated Personnel,[7] as well as the statement made by the President of the Security Council on 19 June 1997,[8]

Noting that the local and international staff of UNHCR and its implementing partners, as well as other humanitarian personnel, are increasingly required to operate in conflict areas and under hazardous conditions entailing physical risk and mental stress,

Commending the High Commissioner's staff for the courageous and dedicated manner in which they discharge their responsibilities in conflict areas and under hazardous conditions, and paying tribute to those staff members and their families who have suffered serious mental stress or physical injury, or whose lives have been endangered or lost in the course of their duties,

(a) Strongly condemns any acts which obstruct or prevent the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, from discharging their humanitarian functions, or which entail their being subjected to threats, the use of force and physical attack, frequently resulting in injury or death;

(b) Calls upon States and all parties concerned:

(i) To refrain from any actions which prevent or obstruct the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, from performing the functions required under their mandates;

(ii) To take all possible measures to safeguard the physical security and property of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel;

(iii) To facilitate the discharge of the mandated functions of UNHCR and its implementing partners, as well as of other humanitarian organizations;

(c) Requests States to take all necessary steps to investigate fully any crime committed against the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, and to bring to justice persons responsible for such crimes;

(d) Reaffirms that it continues to be seriously concerned about the stress and safety situation of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel, and:

(i) Encourages UNHCR to give its fullest attention to the examination and adoption of measures to improve staff safety and security, in cooperation, as necessary, with other relevant international organizations and bodies;

(ii) Calls upon the High Commissioner to continue to bring this issue to the attention of the Administrative Committee on Coordination, with a view to drawing up, in consultation with the Office of the United Nations Security Coordinator, recommendations on measures to be taken to improve security for the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel.

4. Conclusion on refugee children and adolescents

20. The Executive Committee,

Recognizing that children and adolescents constitute the majority of refugees and other persons of concern to UNHCR,

Conscious of the human rights and dignity of all refugee children and adolescents and that, due to their specific needs and vulnerability within the broader refugee population, they need to be among the first to receive protection and assistance in any refugee situation,

Gravely concerned that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

Recalling the fundamental importance of the Convention on the Rights of the Child[9] to the legal framework for the protection of child and adolescent refugees and for promoting their best interests,

Recalling that the Convention on the Rights of the Child, in its preamble, states that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Welcoming the study on the impact of armed conflict on children, prepared by the expert of the Secretary-General (hereinafter referred to as "the Machel Study"),[10] and the appointment of a Special Representative of the Secretary-General on the Impact of Armed Conflict on Children,

Taking note, with interest, of the UNHCR strategy for follow-up to the Machel Study, and commending the establishment of operational performance objectives in respect of refugee children and adolescents,

Reaffirming its conclusions 47 (XXXVIII) and 59 (XL) concerning refugee children and adolescents and, stressing their continued validity,

(a) Calls upon States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(i) The principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children and adolescents;

(ii) The fundamental right of children and adolescents to life, liberty, security of person and freedom from torture and cruel, inhuman or degrading treatment or punishment;

(iii) The right of children and adolescents to education, adequate food and the highest attainable standard of health;

(iv) The right of children affected by armed conflict to special protection and treatment, taking into account the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death in connection with armed conflict;

(v) The right of children to protection from harmful traditional practices and from all other forms of exploitation;

(b) Urges States and the parties concerned to take all possible measures to protect child and adolescent refugees, inter alia, by:

(i) Preventing separation of children and adolescent refugees from their families and promoting care, protection, tracing and family reunification for unaccompanied minors;

(ii) Safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

(iii) Preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through the provision of appropriate legal and rehabilitative remedies; and following up on the Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm in 1996;[11]

(iv) Providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protection to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protection in refugee situations;

(v) Ensuring access to education and the right of the child to freedom of thought, conscience and religion;

(vi) Providing medical or other special care, including rehabilitation assistance, to assist the social reintegration of refugee children and adolescents, especially those who are unaccompanied or orphaned;

(c) Calls upon UNHCR to continue to integrate fully the rights of the child into its policies and programmes; improve its operational methods for assessing the needs of child and adolescent refugees; train its staff and implementing partners accordingly; formulate preventive strategies; and strengthen collaboration with States, the United Nations Children's Fund (UNICEF), World Food Programme (WFP), the Office of the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross, non-governmental organizations and other actors concerned;

(d) Calls upon UNHCR to include in the work programme of the Standing Committee in 1998 a report on the implementation of its strategy for follow-up to the Machel Study, with special reference to the establishment of operational performance objectives in respect of refugee children and adolescents and the identification of improvements in staffing, training and budgeting to meet these objectives; and also to report on the follow-up of its evaluation of the programming and protection efforts of UNHCR on behalf of refugee children and adolescents;

(e) Calls upon all States to participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text.

B. Conclusion on follow-up to the Conference on the Commonwealth of Independent States

21. The Executive Committee,

Recalling the Programme of Action[12] adopted in May 1996 by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,

Recalling also the conclusion on the CIS Conference adopted at the forty-seventh session of the Executive Committee,[13]

Recognizing the acuteness of the migration and displacement problems in CIS countries,

(a) Welcomes the progress made in a number of CIS countries in implementing the Programme of Action in both governmental and non-governmental sectors;

(b) Appreciates the efforts made by the High Commissioner, the International Organization for Migration and the Organization for Security and Cooperation in Europe to support implementation in these countries and to ensure follow-up to the Conference;

(c) Welcomes the support rendered by other interested States, noting that the spirit of international solidarity and cooperation which characterized the preparation of the Conference is also a crucial element for the successful implementation of the Programme of Action; welcomes also the political and financial support reaffirmed by interested States at the meeting of the Steering Group in July 1997, and calls upon all interested States to provide increased support for the implementation of the Programme of Action;

(d) Recalls the view of the Conference that the primary responsibility for addressing problems of population displacement lies with the affected countries themselves, and welcomes the reaffirmation of CIS countries, at the meeting of the Steering Group in July 1997 on the follow-up to the Conference, that these issues are regarded as national priorities;

(e) Calls upon Governments of CIS countries to continue to strengthen their commitment to the principles underpinning the Programme of Action, in

particular human rights and refugee protection principles, and to lend higher level political support to ensure progress in its implementation;

(f) Recalls also the view of the Conference that the serious challenges faced cannot be met by the resources and experience of CIS countries alone;

(g) Stresses that implementation of the Programme of Action requires additional financial resources, and calls for increased international cooperation in order to assist CIS countries in the field of migration and related matters;

(h) Calls upon States and interested international organizations to provide appropriate forms and levels of support for the practical implementation of the Programme of Action in a spirit of solidarity and burden-sharing;

(i) Calls upon all participants in the CIS Conference to cooperate in the long-term endeavour of implementing the Programme of Action and to maintain the balance of commitments and interests that was essential in the process leading up to the CIS Conference;

(j) Welcomes the progress made in enhancing the role of non-governmental organizations in the implementation of the Programme of Action and the development of a constructive dialogue between non-governmental organizations and the Governments of a number of CIS countries;

(k) Calls upon Governments of CIS countries as well as international organizations to further strengthen their cooperation with non-governmental organizations and to increase their involvement in the Conference implementation and follow-up;

(l) Calls on the High Commissioner to continue to cooperate with the International Organization for Migration and the Organization for Security and Cooperation in Europe in coordinating ongoing and future activities in the CIS countries, in mobilizing resources in support of these efforts and in steering and monitoring progress through appropriate follow-up mechanisms;

(m) Requests the High Commissioner to enhance relationships with other key international actors such as the Council of Europe and the European Commission, as well as with other human rights, development and financial institutions, in order better to address the wide-ranging and complex issues in the Programme of Action;

(n) Requests the High Commissioner to keep the Executive Committee informed of measures taken and progress achieved in the implementation of the Programme of Action.

C. General decision on programme, administrative and financial matters

22. The Executive Committee:

(a) Confirms that the activities proposed under General and Special Programmes as set out in the overview of UNHCR activities, 1996-1998,[14] have been found, on review, to be consistent with the Statute of the Office of the High Commissioner, annexed to General Assembly resolution 428 (V) of 14 December 1950. The High Commissioner's "good offices" functions, as

recognized, promoted or requested by the General Assembly, the Security Council or the Secretary-General, and the relevant provisions of the financial rules for voluntary funds administered by the High Commissioner;[15]

(b) Requests the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under 1998 General and Special Programmes, which are tentatively estimated at $995.9 million, and to any other new needs that might arise, bearing in mind the Statute of the Office and the priority to be accorded to statutory activities, and the relevant provisions of the financial rules for voluntary funds;

(c) Approves the revised 1997 General Programmes budget, amounting to $452,612,000;[16]

(d) Also approves the regional/country/area programmes, Other programmes and the headquarters budgets under the 1998 General Programmes, amounting to $359,100,000, as well as a programme reserve of $35,900,000 (representing 10 per cent of programmed activities), $25,000,000 for the Emergency Fund and $20,000,000 for the Voluntary Repatriation Fund,[16] which constitute a 1998 total General Programmes budget of $440,000,000, and authorizes the High Commissioner, within this approved level, to effect such adjustments in project, regional/country/area programmes, other programmes and the headquarters budgets as may be required by changes affecting the refugee/returnee programmes for which they were planned;

(e) Takes note of the report of the Board of Auditors to the General Assembly on the accounts of the voluntary funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 1996,[17] the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on UNHCR activities financed from voluntary funds: report for 1996-1997 and proposed budget for 1998[18] and the Report of the High Commissioner on the work of the inspection and evaluation service,[19] and requests to be kept regularly informed of the measures taken to address the recommendations and the observations raised in these various oversight documents, especially as they relate to the implementation of 1998 General and Special Programmes;

(f) Urges Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to her appeals for resources;

(g) Approves the transfer of an amount up to $500,000 from the 1998 Programme Reserve to the International Field Staff Housing and Basic Amenities Fund;

(h) Expresses support for the proposals of UNHCR to improve the audit certification of implementing partners, and asks to be kept informed both of the progress in their implementation and of compliance therewith;

(i) Requests UNHCR, in the first part of 1998, to present further proposals to ensure a more appropriate and transparent categorization of expenditure and posts and, to the extent possible, the harmonization of its budget presentation with that of other relevant United Nations agencies, with a view to seeking the Executive Committee's approval at its next annual session and, subject to such approval, the introduction of the proposals in the 1999 budgetary documentation for the year 2000;

(j) Notes and supports UNHCR proposals to enhance the capacity of national non-governmental organizations to enable them to participate more actively in refugee and refugee-related operations and to develop with non-governmental organizations an operational partnership agreement which will set out, inter alia, the standards governing the work of the respective parties in refugee and refugee-related situations;

(k) Welcomes progress made on the Project Delphi implementation plan and requests to be kept informed of further action in this regard.

D. Decision on the programme of work of the Standing Committee in 1998

23. The Executive Committee,

Having reviewed the issues before it at its forty-eighth session, including the annual theme on repatriation challenges and the report on the Work of the Standing Committee,[20] and bearing in mind the decisions and conclusions adopted at its forty-seventh session,

(a) Decides to include the following proposals in the programme of work of its Standing Committee in 1998, and requests that UNHCR include in its documentation on each item the relevant recommendations of the auditors and the Advisory Committee on Administrative and Budgetary Questions, as well as the steps taken to implement those recommendations and related Executive Committee decisions and conclusions:

(i) International protection:

a. Note on international protection;

b. Resettlement;

c. Application of exclusion clauses;

d. Human rights and international protection;

e. Return of persons not in need of international protection, including facilitation of return in its global dimension;

f. Composite flows and their relationship to refugee outflows;

(ii) Protection/programme policy issues:

a. Refugee children and adolescents, including a report on implementation of the Machel Study;

b. Refugee women: progress report;

c. Elderly refugees, their special needs;

(iii) Follow-up to the debate in the Executive Committee on the annual theme (1997):

a. International solidarity and burden-sharing: principles of action;

b. The contribution of UNHCR to rehabilitation programmes in post-conflict societies;

c. Other issues raised in statements;

(iv) Programme and funding matters:

a. Review of general programmes;

b. Region-by-region review of general and special programmes;

c. Updates on programmes and funding, including reviews of the use of the emergency fund, programme reserve and voluntary repatriation fund;

d. Programme delivery and administrative support costs;

e. Registration and statistics;

f. Economic and social impact of massive refugee populations on host developing countries, as well as other countries:

i. Possible principles for action;

ii. The UNHCR mandate in this regard;

iii. Practical measures for increasing coordination between emergency and national structures;

iv. A quantitative assessment on the basis of special case studies;

g. Reintegration: new approaches;

(v) Management, financial and human resource matters:

a. Overhead costs of international non-governmental organization implementing partners;

b. Management issues, including follow-up to Project Delphi;

c. Training;

d. Safety of UNHCR staff;

(vi) Oversight issues:

a. Compliance with audit certification;

b. Consultants;

c. Reporting on programmes and their implementation;

d. Phase-out strategies: related oversight reports;

(vii) Coordination issues:

Follow-up to the Secretary-General's proposals on reform of the United Nations, and related decisions of the Economic and Social Council;

(viii) Governance issues:

a. Working methods of the Executive Committee;

b. Selection of the annual theme for the forty-ninth session;

(b) Authorizes the Standing Committee to review the above proposals at the meeting of the Standing Committee in December 1997 (planning session), as well as to add items, as appropriate, to its inter-sessional programme of work;

(c) Calls on the Standing Committee to report on its work to the Executive Committee at its forty-ninth session.

E. Decision on the provisional agenda of the forty-ninth session

24. The Executive Committee:

Decides to adopt the following provisional agenda for the forty-ninth session of the Executive Committee:

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda and other organizational matters.

4. Annual theme.

5. Reports on the work of the Standing Committee as they relate to:

(i) international protection

(ii) Programme, administrative and financial matters.

6. Consideration and adoption of programme budgets.

7. Reports relating to programme oversight.

8. Meetings of the Standing Committee in 1999.

9. Consideration of the provisional agenda of the fiftieth session of the Executive Committee.

10. Any other business.

11. Adoption of the report of the Executive Committee on its forty-ninth session.

12. Closing of the session.

F. Government observer participation in 1997-1998

25. The Executive Committee:

(a) Approves applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 1997 to October 1998:

Burkina Faso, Bulgaria, Burundi, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Georgia, Guatemala, Guinea, Honduras, Iraq, Kenya, Kyrgyzstan, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Myanmar, Nepal, New Zealand, Niger, Peru, Portugal, Republic of Korea, Senegal, Slovakia, Swaziland, Uruguay, Zambia, Zimbabwe.

(b) Authorizes the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the above-mentioned period;

(c) Approves the following intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of the Standing Committee from October 1997 to October 1998:

United Nations (specialized agencies, departments, funds and programmes), European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Military Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, Organization of African Unity, Organization of the Islamic Conference, Council of Europe, International Organization for Migration.

(d) Recalls the decision of the Standing Committee that non-governmental organizations registered at the forty-eighth plenary meeting of the Executive Committee are invited to attend Standing Committee meetings in 1997-1998 as observers, upon written request from the individual non-governmental organization concerned.

Notes

[1] United Nations, Treaty Series, vol. 189, No. 2545.

[2] Ibid., vol. 606, No. 8791.

[3] General Assembly resolution 39/46, annex.

[4] Human Rights: A Compilation of International Instruments, vol. I (Second Part) (United Nations publication, Sales No. E.94.XIV.1 (vol. I, part 2)), sect. O, No. 81.

[5] Ibid., sect. O, No. 80.

[6] General Assembly resolution 217 A (III).

[7] General Assembly resolution 49/59, annex.

[8] S/PRST/1997/34.

[9] General Assembly resolution 44/25, annex.

[10] See A/51/306 and Add.1.

[11] A/51/385, annex.

[12] A/51/341, appendix.

[13] A/51/12/Add.1 and Corr.1, chap. III, sect. B.

[14] A/AC.96/884.

[15] A/AC.96/503/Rev.6.

[16] A/AC.96/884, table II.4.

[17] A/AC.96/885.

[18] A/AC.96/884/Add.3.

[19] A/AC.96/886.

[20] A/AC.96/893.

ANNEX I

Decisions adopted by the Standing Committee in 1997

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 1996 adopted a number of decisions on matters included in its programme of work. These decisions are set out in the annex to the reports of the Standing Committee meetings as follows:

A/AC.96/879 Report of the Fifth Meeting of the Standing Committee (11 December 1996):

Decision on rental of UNHCR's headquarters premises at Montbrillant.

A/AC.96/880 Report of the sixth meeting of the Standing Committee (30 and 31 January 1997):

Decision on programme and funding projections.

A/AC.96/881 Report of the seventh meeting of the Standing Committee (30 April and 1 May 1997):

I. Decision on the social and economic impact of large refugee populations on host developing countries.

II. Decision on programme and funding projections.

III. Decision on the implementation plan for Project Delphi.

A/AC.96/888 Report of the eighth meeting of the Standing Committee (24-26 June 1997):

I. Decision on programme and funding projections.

II. Decision on the annual theme of the forty-eighth session of the Executive Committee.

III. Decision on non-governmental organization (NGO) observer participation in the work of the Executive Committee of the High Commissioner's Programme and its Standing Committee.

ANNEX II

Opening statement by the United Nations High Commissioner for Refugees to the Executive Committee of the High Commissioner's Programme at its forty-eighth session

(Monday, 13 October 1997)

I am very pleased to welcome you to the forty-eighth session of the Executive Committee. I would like to say a special word of welcome to the delegations of Poland and South Africa. Their election as members of the Committee further enlarges the scope of international support for the work of my Office.

Ambassador Mchumo, let me warmly thank you for having chaired the Committee in the past year - a year during which the problems of refugees and other uprooted populations have been confronted, in new and often difficult ways, not only by my Office, but also by your country, the United Republic of Tanzania. At the same time, I would like to congratulate the officers of the new Bureau on their election. Ambassador Skogmo, your country has always firmly supported UNHCR and I look forward to working with you in the coming months.

The trends which I outlined last year have by and large continued. Hopefully, we are entering a period of declining refugee emergencies, and we can focus our efforts on solving some long-time refugee situations, mainly through repatriation. At the beginning of this year, there were 22.7 million persons of concern to UNHCR. This represented a decrease of 1.3 million from early 1996.

Economic difficulties in regions with a tradition of long-term asylum are making local integration of refugees in host countries less easy to achieve. Resettlement remains a valid option for smaller numbers of refugees, although I must stress its increasing importance as an essential tool for sensitive protection cases. I am becoming more than ever aware that repatriation is the main solution, but it is indeed a complex and difficult undertaking. It is appropriate that the Executive Committee has decided to devote this year's general debate to repatriation challenges. I look forward to listening to your statements.

Let me start by reporting on several positive developments, particularly in Africa. This continent still hosts the largest number of refugees. It is in Africa, though, that the number of returns has also been the highest. After eight years of almost continued civil conflict, elections were held in Liberia on 19 July. We hope that this will facilitate the repatriation of some 500,000 Liberian refugees, some of whom are already returning spontaneously. UNHCR is stepping up measures to assist returning refugees. I would like to commend once more several West African countries - particularly Côte d'Ivoire and Guinea - for the hospitality provided to Liberian refugees. I hope that the combination of generous asylum policies in host countries with the current trend towards peace in Liberia will result in an orderly repatriation and enhance the hopes for a lasting peace, despite the fragility of the situation.

Meanwhile, the repatriation of Togolese refugees officially ended on 17 September: almost all of the approximately 300,000 refugees who fled in 1993 have now returned to their country. In Western Sahara, progress in peace negotiations led by the Secretary-General's Personal Envoy, opens up positive prospects - after 22 years - for the return of Sahraoui refugees from Algeria

and Mauritania. If, by the end of the year, the return of 150,000 Malian refugees is completed as planned, we shall be able to concentrate on reintegration activities to ensure the sustainability of this repatriation. In East Africa, the repatriation of Ethiopian refugees from the Sudan is also expected to finish by the end of 1997 - thus far, almost 65,000 refugees have gone home. This is a very welcome development since some of these refugees had been hosted by the Sudan for decades.

In Angola, recent positive political developments under the peace agreement between the Government and the National Union for the Total Independence of Angola (UNITA), such as partial demobilization and the extension of state administration, could result in organized repatriation becoming a reality in the coming months. In spite of the uncertain progress towards peace and stability until now, 114,000 of the 300,000 Angolan refugees have returned spontaneously. In the Horn of Africa, we conducted a successful pilot repatriation project from Ethiopia to north-western Somalia between February and July, assisting 10,000 Somalis to return home. This initiative has prompted thousands of others to return spontaneously and we hope that it will be followed by further returns to other parts of Somalia.

Elsewhere, the repatriation of Tajik refugees from Afghanistan restarted following the signing of a peace agreement in Moscow on 27 June. This led to the return of another 6,600 refugees to Tajikistan despite a difficult security situation in both countries. On the other hand, I am very concerned about the safety of 7,000 Tajik refugees remaining in Sakhi camp in Northern Afghanistan, whose repatriation is blocked by nearby fighting. I call upon the parties to the conflict to allow the refugees to return by the shortest route through Uzbekistan. In this regard, I welcome the decision of the Uzbek Government to cooperate fully with my Office in the repatriation of Tajik refugees.

Security constraints also affected operations in the North Caucasus, but over 20,000 internally displaced Chechens were assisted in returning during the course of 1997 from the surrounding republics in the Russian Federation. In Northern Iraq, internal conflict caused the flight of about 100,000 persons at the end of 1996, within and across the Iraqi borders. This displacement was quickly resolved, while the situation of Turkish refugees of Kurdish origin, previously in the Atroush camp and now partly dispersed, still awaits a solution. I am also seriously concerned by military attacks on humanitarian convoys, which hamper the delivery of assistance in Northern Iraq. The repatriation from Bangladesh of refugees from Myanmar has continued - 24,000 more refugees have returned to the Rakhine State since I reported to you about this operation last year; we are now discussing with the Government of Bangladesh what solutions may be possible for the remaining 21,000 refugees who do not wish to return to Myanmar. The number of Vietnamese refugees had dropped to under 2,000, from a peak of 214,000, by the time of Hong Kong's return to China at the end of June. I felt honoured to be invited to witness that historic event.

In Central America, there has been progress on the repatriation of Guatemalan refugees from Mexico. Returns have picked up again in the past few months and at the end of the year the organized operation should end. Some 2,500 Guatemalan refugees are meanwhile being considered for naturalization in Mexico. I look forward to visiting both countries later this year.

I wished to highlight these positive developments because they underscore the fact that solutions to refugee problems - and voluntary repatriation in particular - are possible, and do occur. We must not lose sight of this even

when we turn to some difficult challenges which confront us in other parts of the world. The situation in Afghanistan, for example, is particularly worrying. Continued civil conflict and measures restricting human rights, particularly the rights of women, have all but stopped the repatriation of Afghans from the Islamic Republic of Iran and from Pakistan, still the single biggest group of refugees worldwide. I should also mention the deadlock over organized repatriation which we have been facing in Eritrea during the past few months; continuing threats to the security of Sudanese refugees in camps in Northern Uganda; and the interruption imposed to the repatriation of Sierra Leonean refugees - indeed, the renewed outflow of persons from Sierra Leone - after the elected Government of that country was deposed. Political stalemates continue to block the search for solutions in other countries - for example, in the case of over 90,000 Bhutanese refugees from Nepal.

I must also report on at least two situations of new refugee influxes. Over 40,000 Cambodians have crossed the border into Thailand in recent weeks, fleeing renewed unrest in some provinces. Ongoing internal fighting in the Republic of the Congo (Brazzaville) is causing the flight of thousands of refugees, particularly to the neighbouring Democratic Republic of the Congo. More people will be uprooted and displaced if this conflict is not brought very quickly to an end.

The greatest and gravest challenges to protection, however, have occurred in the Great Lakes region of Africa. Between 1994 and 1996, UNHCR assisted well over one and a half million Rwandans in camps in the United Republic of Tanzania and the former Zaire. At the heart of the challenges has been the inability or unwillingness of the international community to separate those who deserved international protection from those who did not, to ensure the physical security of the former and, indeed, to prevent the latter from violent acts threatening refugees and nationals alike.

You will recall that at the time of last year's Executive Committee meeting, with the support of some Governments, we initiated efforts to try to prevent the impending conflict from engulfing the Kivu provinces and the refugee camps. But it was too late and the outbreak of civil war radically changed the situation. Approximately 600,000 Rwandans in former Zaire returned to their country over a period of a few days in November 1996, after the camps had been destroyed. Some weeks later, almost all Rwandans in the United Republic of Tanzania also returned to their country. Those left in Zaire (now the Democratic Republic of the Congo) fled westwards and dispersed in the forests. We requested an international military force to assist in rescuing refugees. The request was not met and rescue operations were conducted - often within conflict zones - by UNHCR in close cooperation with other United Nations agencies, the International Committee of the Red Cross and non-governmental organizations. This allowed another 250,000 Rwandans to return - of whom over 65,000 in a major airlift operation between May and September. Thousands of others, however, died in the forests: of hunger, exhaustion, disease, but also, violently, at the hands of military forces. Surviving Rwandans are now scattered in 11 Central African countries, including the Republic of the Congo (Brazzaville), where fighting makes rescue operations increasingly arduous.

The return of about two million Rwandans since 1994 poses serious challenges, and their reintegration must be supported if we wish peace to be restored in the region. In Rwanda itself, my Office is actively engaged in reintegration activities and particularly in the shelter programme. UNHCR and the United Nations Development Programme have signed a memorandum of understanding, and a joint unit has been established between the two

organizations and the Government of Rwanda to facilitate the integration of UNHCR activities into broader rehabilitation and development programmes. In asylum countries, especially the United Republic of Tanzania, but also to a certain extent the Democratic Republic of the Congo, we have launched environmental and other rehabilitation programmes in areas where refugee camps had been located.

In Burundi, there has been very little progress towards peace and reconciliation, although it is essential to pursue negotiations aimed at resolving the conflict. In this context, UNHCR has not promoted repatriation, but has assisted refugees returning spontaneously, particularly to provinces considered relatively safe. A large number of refugees returned from the former Zaire after the outbreak of war. Others followed the dispersed Rwandans, while the United Republic of Tanzania continues to host Burundi refugees in camps along the border - 230,000 according to a census carried out by UNHCR. The Government of the United Republic of Tanzania and UNHCR have recently conducted a joint mission to the border to assess the implications of the presence of refugee camps for the security and stability of the area. The measures recommended by the mission to improve law and order in the camps must be given all possible support if events similar to those which occurred in the former Zaire a year ago are to be avoided. The United Republic of Tanzania also hosts over 70,000 refugees from the Democratic Republic of the Congo: a few weeks ago, UNHCR in cooperation with the two Governments began repatriating them by boat across Lake Tanganyika.

In the midst of this complex situation, UNHCR has tried to protect and assist refugees and returnees. The obstacles we faced and still face, however, seriously undermine our ability to carry out our protection mandate. My Office, particularly in the Democratic Republic of the Congo, was confronted with the excruciating dilemma of repatriating Rwandans to some unsafe areas in the west of Rwanda, or leaving them in the forests, where death was almost a certainty. No other choice could be offered to refugees. Moreover, access to refugees was frequently limited or denied. There were military attacks on refugee sites, and reports of gross human rights abuses and violence against refugees are still emerging. Proposals by UNHCR to identify and protect those with valid reasons for not returning, and to exclude those who do not qualify for international protection, have been thus far implemented only in Malawi and the Central African Republic, where eligibility determination was carried out by Governments. In Rwanda, the massive return from the United Republic of Tanzania and the former Zaire contributed to tension and violence, particularly in western prefectures. Monitoring returnees has become increasingly difficult, and practically impossible in areas in the west since last February. Several national and expatriate staff of humanitarian agencies have been killed while attempting to work in these areas.

As a conclusion to this summary of events in the Great Lakes region, I wish to highlight two issues. First, I regret to note that the violation of human rights and humanitarian principles has become a pattern in the region: the refoulement of Rwandan asylum-seekers from the Goma area a few days ago is only the last of many serious breaches. Second, much as we are concerned by this trend - which compelled me to suspend activities related to Rwandan refugees in the Congo five weeks ago - we are acutely aware that armed groups and political extremists operating from within large refugee populations can add to the grave insecurity and instability of this region.

These developments should not lead us to the conclusion that it is necessary to revise or reform basic principles. The rights of refugees - asylum

and non-refoulement - are the foundation of my mandate and I wish to reaffirm our non-negotiable commitment to defending and promoting them. However, we must seek to apply the implementation of these principles in constructive, realistic and creative ways, in cooperation with States. Respecting principles in a manner which takes into account the legitimate concerns of States is possible and can eventually foster solutions to refugee problems.

I realize that the balance between principles and interests is a complex one, especially in a situation of mass displacement across conflict lines. Even so, lessons can be drawn from our experiences. Had States fulfilled their responsibilities as stipulated by this very Committee, and supported our actions more firmly and decisively, I believe some of the problems we encountered could have been avoided. I shall give you concrete examples. Refugee camps should have been located well away from border areas. The civilian character of refugee settlements should have been preserved by not allowing armed elements and political extremists to live with and control refugees. Those who had committed crimes against humanity should have been brought to justice. Our repeated proposals to implement such measures in a manner consistent with the exigencies of security and stability went unanswered - these failures, not the principles themselves, have contributed to further insecurity and conflict.

I am concerned that if we do not attempt to resolve the apparent contradictions between humanitarian principles and State interest, countless more innocent persons will suffer. I therefore wish to propose to States and to regional organizations, primarily the Organization of African Unity, a two-way effort: my Office is ready to discuss with Governments practical measures which must be adopted to facilitate the respect for humanitarian principles and which take into account their concerns. I hope that States will put forward concrete proposals in this respect, but, more important, that they will reconfirm their commitment to these principles.

The crisis in the application of fundamental principles is not limited to any geographical area, although it is in the Great Lakes region that it has recently manifested itself most visibly. I am seriously concerned by an increasing trend towards restrictive asylum policies in many Western countries, including rejection of asylum-seekers at borders, interdiction at sea and the narrow interpretation of the refugee definition, including limiting it to persecution by State actors. The distinction between refugees and economic migrants in Western countries is sometimes difficult to establish in practical terms. This distinction, however, must be maintained. States must respect refugees' rights while they seek solutions to the problem of irregular migration. My Office will continue to cooperate with these efforts, within agreed parameters.

In this context, it is important to mention the concept of temporary protection, which has been successfully applied to refugees from Bosnia and Herzegovina in many Western countries. I would like to recall that last December I acknowledged that Bosnian refugees originating from "majority areas" could repatriate as from the spring of 1997. On the other hand, we are not yet in a position to advocate the return of refugees to "minority areas". This example shows the usefulness of the concept of temporary protection as a flexible tool to apply humanitarian principles, taking into due consideration the legitimate concerns of States, while, at the same time, respecting the rights of refugees. I therefore welcome the initiative of the European Commission towards the adoption of common standards on temporary protection in Europe.

Our concentrated efforts to carry out repatriation under diverse circumstances have led us to face more squarely the challenge of reintegration. My Office during the past year has grappled with the need to develop a comprehensive approach to the requirements of the transition from war to peace. We are part of the United Nations system-wide search for a strategy known as post-conflict peace-building. In this effort, the UNHCR role will be in the return and reintegration of uprooted populations.

UNHCR has had to resort to emergency response measures to deal with sudden, massive returns, as we have seen in the Great Lakes region. Due to deliberate efforts to reinforce our emergency preparedness and response capacity in the past few years, we have also acquired the expertise and ability to deal both with organized and with massive, spontaneous returns. It is important to remember, however, that repatriation is not just a logistical operation. It also involves more than physical reconstruction. Returnees must become part of a wider integration process that includes the restoration of basic human rights and the judicial system. I would like to put greater emphasis on the links between refugee and returnee protection and human rights, and I wish to strengthen our cooperation with the United Nations High Commissioner for Human Rights, particularly at the operational level.

Where flight has previously occurred in a situation of conflict, returning refugees must indeed overcome the problems of coexistence which caused their exodus in the first place. Dealing with reintegration thus implies a comprehensive package of approaches that range from physical reconstruction to various political, social, educational, psychological and protection measures. In certain situations, it is essential that such measures include the clearance of landmines, and I wish to take this opportunity to welcome the award of this year's Nobel Peace Prize to the International Campaign to Ban Landmines.

The situation in Bosnia and Herzegovina exemplifies the variety of reintegration challenges that UNHCR has been tackling to make repatriation successful and sustainable. Since the signing of the Dayton Agreement, close to 183,000 refugees (90,000 in 1996, 93,000 so far in 1997) are estimated to have returned to Bosnia and Herzegovina. Furthermore, approximately 200,000 internally displaced persons have returned to their home areas. This has considerably reduced the problem of displacement caused by the war. For example, the number of refugees in Germany, the principal asylum country in Western Europe, has decreased by one third. But the prevailing pattern, as I mentioned earlier, has been one of return to so-called majority areas where the main challenge has been to accelerate physical reconstruction.

Returns to minority areas have not progressed sufficiently. In order to promote them, we have launched a varied package of initiatives. We have focused on promoting freedom of movement by running inter-entity bus lines. We have designated "Open Cities", as a means of encouraging grass-roots acceptance of minority returns. Finally, we have appealed to the solidarity of host communities in countries of asylum through "Twin City" arrangements. I would also like to mention the recent, more positive measures announced by the Government of Croatia to favour return and reconciliation among all Croats. UNHCR stands ready to continue its work on behalf of Croatian refugees and internally displaced persons.

Several additional conditions, however, must be met if minority returns are to occur. First, physical safety must be ensured. The contributions of the Stabilization Force (SFOR) and the International Police Task Force (IPTF) remain essential to the work of my Office and the SFOR security umbrella will be

required beyond the current deadline of June 1998. Second, authorities and political parties must accept the results of elections and respect the voice of the legitimate electorate. Third, the right to housing and other social amenities must be guaranteed - given the enormous difficulties caused by the link between displacement and house occupation. Fourth, the problem of employment must be addressed. Our own efforts in these areas can be only modest and complementary, but they provide a useful indication of the directions in which my Office must move - more boldly and decisively than in the past - in promoting the necessary transition from return to reintegration.

Let me mention a few encouraging examples where we are already engaged actively in this transition. In Rwanda and Bosnia, the two societies where the wounds of conflict and hatred are deepest, we have expanded our special initiatives for women returnees, which include income-generating projects and economic empowerment programmes. We believe that supporting women's self-sufficiency and their active role in society is key to promoting tolerance and overcoming community divisions. In Georgia, the efforts of UNHCR to assist returning refugees and displaced persons provide a practical response - through the reconstruction of destroyed houses and the rehabilitation of social infrastructure - to the confidence-building process fostered by the renewed momentum in the negotiations on the Abkhaz and South Ossetian conflicts. In Ukraine - a country which I recently visited - some 250,000 formerly deported people have now returned to Crimea, where my Office is assisting the authorities to address questions of citizenship in order to avert a potential statelessness situation.

The scope and complexity of this comprehensive approach to the reintegration of returnees require closer cooperation with a wide range of partners. Unless our work is part of an integrated strategy for rehabilitation and reconciliation, its impact is likely to be insufficient and short-lived. UNHCR, by virtue of its role in accompanying and monitoring returnees, and of its capacity to rapidly mobilize the resources needed to support their initial reintegration, is often at the forefront of this effort. In this context, we usually assume that our role should be limited to the initial phase of reconstruction, and that our multilateral partners, and sometimes development-oriented non-governmental organizations, will build on activities initiated by us. We have tended to plan and implement our reintegration work for the short term, establishing quick exit strategies and time limits. This approach has proved inadequate in a number of operations. If we are to prevent the recurrence of conflict-based population displacements, UNHCR must invest more in reintegration activities on behalf of returnees, for as long as it is necessary to ensure their sustainability, and in the wider context of the returnees' communities.

In disengaging itself from reintegration activities, my Office must take into account the specific requirements of each situation, as well as the capacity and willingness of other partners to intervene, with the returnees clearly in focus. I wish to commit my Office to a better understanding of its multilateral partners and, wherever possible, to working with them from the earliest stages of our reintegration activities. By developing common approaches and frameworks, we can best ensure an orderly and timely phase-out of the humanitarian assistance of my Office. In addition to our traditional collaboration with other United Nations agencies, particularly the World Food Programme and the United Nations Children's Fund, we have entered into a phase of close operational cooperation at the country level with the United Nations Development Programme, the World Bank and, since last July, the International

Monetary Fund. We have also strengthened our cooperation with the International Fund for Agricultural Development.

But the most difficult and challenging task which ultimately completes any repatriation is the achievement of reconciliation. Allow me to state the obvious and to remind ourselves that in the absence of a reconciliation process - as the successive crises in Rwanda and Burundi have shown for the past 35 years - returnees will remain in divided communities in which conflict can erupt again. I therefore believe that my Office, along with its partners, must contribute to developing more comprehensive reintegration programmes. Likewise, I would like UNHCR, which already supports activities fostering reconciliation in various countries, to help mainstream these activities.

Efforts towards intercommunal dialogue are not abstract goals. Concrete examples can be mentioned. Women's initiatives, which I have already referred to, are aimed at a category of population able to play a fundamental role in reconciliation. In Liberia, we are working with UNICEF on a joint Child and Adolescent Initiative, which will attempt to bring back to normal life children who have been utilized as combatants by warring factions. The "Open Cities" initiative in Bosnia and the re-establishment and strengthening of judicial systems in Rwanda are concrete attempts at fostering reconciliation.

We shall also continue to cooperate with intergovernmental and regional bodies - such as the Organization for Security and Cooperation in Europe, the Southern Africa Development Community, the Inter-Governmental Authority on Drought and Development in the Horn of Africa - in order to promote reconciliation through the establishment of legal and administrative frameworks for the management of refugee and returnee flows.

Despite funding constraints, we remain committed to the process of follow-up to the CIS Conference, through which considerable progress has been made in developing legal structures to address refugee flows and migratory movements, and in building awareness regarding mass population displacement in the region. Meanwhile, steps have been taken to develop a forum for regional consultations on the problems of refugees and displaced persons in Central Asia, South-West Asia and the Middle East. The first such consultations took place in March 1997 in Amman, Jordan, with the participation of 13 Governments.

I cannot conclude my remarks on repatriation and reintegration challenges without a special mention of our cooperation with the European Union. We consult regularly with the European Commission on a wide range of issues with a view to further building and strengthening our partnership in standard-setting, policy-making and operational cooperation.

Let me add a few remarks on the resources required to carry out the mandate of my Office and on issues related to its management.

Human resources are the mainstay of our mission and operations. We often say that staff are our primary resource. We must re-emphasize this through close cooperation between staff and management. In this connection, I would like to highlight some of the initiatives which have been taken throughout the past year. On 1 September we launched the Career Management System, which attempts to optimize the utilization of available staff resources while at the same time enhance the Office's support for career planning, individual objective-setting and performance evaluation.

The introduction of the Career Management System is closely linked to the "change management" exercise, which we initiated two years ago and which continues to be one of my priorities. We have introduced a number of changes in the areas of new technologies and of human resources and financial management tools. More are being developed and follow-up of the various processes will continue in 1998 and beyond. I have appointed a Director for Change, who reports directly to me, with the task of ensuring that all actions grouped under what we have defined as the Delphi project are prioritized and well coordinated. There is also a need, after two years of this complex exercise, to mobilize the staff of my Office to increase ownership of the process and to bring this phase of the exercise to a conclusion.

Concerning financial resources, I am grateful for the support of donor Governments to most of the special operations in which the Office is engaged, including the Great Lakes and the former Yugoslavia. It is important, however, also to provide increased financial support to other, less visible special programmes, in particular the Angolan, Liberian and Tajikistan operations. If repatriation challenges are to be met, UNHCR must be given the necessary means to confront them. Furthermore, I would like to stress the need to support core activities covered by the General Programme, which remains seriously underfunded this year, with a shortfall of approximately $50 million. I must request you also to make greater efforts to support the General Programme in 1998 adequately and in a timely way. My Office is fully aware of the many demands placed on government funding. I am pleased to report that the decreasing large-scale emergencies and the trend towards solutions will allow a substantial decrease in our overall budget. It is a good sign that the 1998 budget is likely to be lower than US$ 1 billion for the first time since 1991. However, it is important to emphasize that repatriation is resource-intensive, especially in terms of staff, as, of course, is protection, especially if we are to be present on the ground to monitor the welfare of returnees. In this regard, I welcome the move to re-examine how UNHCR classifies its staff costs and to ensure that those essential to the discharge of my mandate are properly recognized.

I have to share with you my very deep concern for the safety and security of staff working in conflict areas. In many countries, national and international staff have been exposed to threats, criminal acts, military tensions and actual conflict and to the stress that inevitably arises in such dangerous situations. There have been casualties, and I wish to remember here all staff of UNHCR and other agencies - especially the International Committee of the Red Cross and many non-governmental organizations - who have lost their life or suffered grave injuries in the service of refugees and displaced persons. There will be more casualties, particularly among the very vulnerable national staff, if unarmed civilian aid workers continue to work alone in the forefront of humanitarian disasters. They are without adequate protection, often in situations where the international community believes it may be too dangerous to send even military forces. On our side, we have conducted in-depth reviews of staff safety issues and we have established an internal committee with the task of making proposals to improve existing measures. Staff security also has resource implications and I wish to ask Governments for understanding, and increased support.

Finally, let me bring your attention to the fact that my Office has been closely involved in the debate concerning the United Nations reform process led by the Secretary-General. We have participated in discussions concerning decision-making and information sharing, with respect to the coordinated management of humanitarian issues. We hope that the transformation of the present Department of Humanitarian Affairs into a more streamlined, focused and

efficient Office of the Emergency Relief Coordinator will become effective as soon as possible. We are also prepared to become part of the development of efficient common services as it takes more concrete shape.

In the forthcoming year, the challenges facing our Office will be both daunting and formidable. I wish to renew the firm commitment of my Office, and of myself personally as High Commissioner for Refugees, to respond in an effective, timely and creative manner. Together, we must prepare ourselves for a more humane twenty-first century.